

REMARKS

This is in response to the Office Action mailed on August 2, 2006, and the references cited therewith.

Claims 1, 7, 12-13, 19, and 22 are amended; as a result, claims 1-29 are now pending in this application.

§102 Rejection of the Claims

Claims 1-10 and 12-29 were rejected under 35 USC § 102(b) as being anticipated by Lewis et al. (U.S. 5,673,331) (hereinafter "Lewis"). It is of course fundamental that in order to sustain an anticipation rejection that each and every step or element in the rejected claims must be taught or suggested in the cited reference.

More specifically, a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently in a single reference. *Verdegaal Bros.v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ 1051, 1053 (Fed. Cir. 1987). Additionally, "[t]he identical invention must be shown in as complete detail as contained in the . . . claim."

Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ 1913, 1920 (Fed. Cir. 1989).

The elements must be arranged as required by the claims.

Applicants respectfully assert that the technique used in Lewis is substantially different from what Applicants have claimed. In Lewis, the location or match to acquire a reading is done by examining all the pixels within the image and acquiring a score as to the number of black pixels vis-à-vis white pixels. This score then maps to a value in the template. In other words, every pixel is compared in the target image to the template that includes a value for a particular reading. Such an approach is not desirable because it is extremely processor intensive and time consuming. In applications where time is of the essence, the approach used in Lewis is impractical because Lewis necessitates that each captured image have each pixel evaluated to compute a score, that score is then compared against a previously computed template score to get a reading. The Examiner's attention is directed to column 5 lines 19-60, where this exact approach is described in detail.

Conversely, Applicants have streamlined this and can use three pixel coordinates from a captured image to compare against a feature vector also having three pixel coordinates and can

derive a reading. No where is this taught or suggested in Lewis. In Lewis, it is clear that the location technique employs more than a selective comparison of three pixels; Lewis uses all pixels in the captured image during the comparison or reading resolution phase. Again, this is an impractical approach in time sensitive applications.

The processing throughput that Applicants' invention provides is not capable of being achieved with the teachings of Lewis. Lewis relies on all coordinate points to define initial calibration in a template. Moreover, Lewis does not simply sample pixels in a target image against the template; rather, Lewis evaluates and processes all pixels in the target image to compare against values in the template for a match. This is not efficient and in many cases not practical.

Thus, Lewis fails to disclose the identical invention in the arrangement required by Applicants' amended independent claims. Accordingly, it cannot be said to anticipate Applicants' invention and the rejections of record should be withdrawn. Applicants respectfully request an indication of the same.

§103 Rejection of the Claims

Claim 11 was rejected under 35 USC § 103(a) as being unpatentable over Lewis et al. (U.S. 5,673,331) (hereinafter "Lewis"). Claim 11 is dependent from amended independent claim 7; thus, for the amendments and remarks presented above with respect to amended independent claim 7, the rejection of claim 11 should be withdrawn. Applicants respectfully request an indication of the same.

Conclusion

Applicants respectfully submit that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney at (513) 942-0224 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

MICHAEL JOHNSON ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(513) 942-0224

Date 11/02/06

By Joseph P. Mehrle
Joseph P. Mehrle
Reg. No. 45,535

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 2nd day of November, 2006.

Dawn M. Poole

Name

Dawn M. Poole
Signature